THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1426 OF 2006

DATED 28th JANUARY, 2006

BETWEEN

Smt Sundarapu Gangamma

… Petitioner

and

Special Grade Deputy Collector (LA),

Visakhapatnam Steel Plant, Visakhapatnam

and others.

… Respondents

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ORDER:

It is the case of the petitioner that her mother late Gonthini Ammalamma was owner of the land which was acquired for Visakhapatnam Steel Plant. As displaced person, she was given
R-Card No.603 and in the scheme meant for land oustees, she was allotted house site bearing plot No.2160, admeasuring 107 square yards vide proceedings in R.C.No.12/04 RJ, dated 17.10.2004 by the first respondent herein. After her death, the petitioner claims to have succeeded to the property. It is further case of the petitioner that the fourth respondent is also displaced person and she was allotted plot No.2276 in Sector-I, but she illegally occupied plot No.2160. The petitioner approached the first respondent, who got a survey conducted and found that the fourth respondent was trying to occupy the land between plot Nos.2159 and 2160, requested the third respondent to take necessary action for eviction of the fourth respondent. In spite of the same, it was not done. The petitioner also alleges that the allotment letter produced by the fourth respondent being D Dis.No.620/93/SO/R2, dated 13.03.1994, was found to be forged and concocted and that the fourth respondent has no right to occupy the petitioner's plot No.2160. In this background, the petitioner filed the present writ petition seeking a direction to respondents 1 to 3 to evict the fourth respondent from plot No.2160 admeasuring 107 square yards and handover the same to the petitioner.

The learned counsel for the petitioner strenuously contended that the benefit of allotment of house site was given the displaced persons by the first respondent in accordance with the policy of the Visakhapatnam Steel Plant. Such being the case, it is the duty of the respondents 1 and 2 to see that every allottee gets his/her land for construction of a house. The respondents failed to discharge its duties and therefore he prays for a Mandamus to that effect. **Per contra**, the learned Assistant Government Pleader for Revenue (General) submits that the dispute between the petitioner and the fourth respondent as to who is the allottee of the plot and whether or not the fourth respondent is in illegal occupation of the said plot are matters which cannot be gone into in the writ petition. If the petitioner is aggrieved, she has to file a suit. Learned Assistant Government Pleader also submits that the allegation that the petitioner is the daughter of late Ammalamma, who was allotted plot No.2160, is in doubtful.

As rightly pointed out by the learned Assistant Government Pleader, the petitioner has not placed before this Court any material to show that she is the daughter of late Ammalamma to claim plot No.2160 in Sector-I. Secondly, in paragraph 3 of the affidavit accompanying the writ petition, the petitioner alleged that the Mandal Revenue Officer allotted plot No.2160 to petitioner's mother in proceedings vide Rc.No.12/04/RJ, dated 17.10.2004. In the same paragraph, the petitioner alleges that her mother died on 03.12.2003 and petitioner succeeded to the property. If the mother of the petitioner died on 03.12.2003, this Court fails to understand as to how the Mandal Revenue Officer allotted plot on 17.10.2004 to the mother of the

petitioner. Be that as it is, admittedly the fourth respondent is in possession of the land in plot No.2160. In effect, the petitioner seeks a Mandamus directing the respondents 1 to 3, namely, Special Grade Deputy Collector, District Collector and the Station House Officer, P.S., Gajuwaka, to forcibly evict the fourth respondent and handover possession to the petitioner. In a writ petition, such an order cannot be granted. This Court as well as Supreme Court has repeatedly held that a writ petition is not a proper remedy to resolve a dispute between two private parties regarding possession nor the question of title can be decided in a writ petition. It is also well settled that police have no power or authority to interfere in civil disputes and this Court cannot come to the aid of the petitioner by directing the police to evict the fourth respondent. The officials of revenue department and police department have no powers to interfere in civil disputes and evict any person forcibly.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

28.01.2006.

pln